

RPTS CALHOUN

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EXECUTIVE SESSION  
COMMITTEE ON THE JUDICIARY,  
U.S. HOUSE OF REPRESENTATIVES,  
WASHINGTON, D.C.

INTERVIEW OF: PAUL J. McNULTY

Friday, April 27, 2007

Washington, D.C.

The interview in the above matter was held in Room  
2138, Rayburn House Office Building, commencing at 9:32 a.m.

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[REDACTED]

[REDACTED]

Q Okay. And prior -- between November 27th and December 7th, were there any further meetings that you had with the Attorney General or with Mr. Sampson about implementing this plan?

A Well, I remember that after I sent the e-mail on December 5th to Kyle where I expressed my continuing concerns about Dan Bogden, Kyle and I had a conversation about that, where I think it was a follow-up to that e-mail. Because what happened was I sent the e-mail, and he didn't really respond back to me. And of course I see him all the time in the building, and I raised it again.

And I said at that meeting, as I recall the way it worked. I was concerned about him still and that I was worried about his wife and kids. I was worried it might have an impact on his family, and -- losing his job, and he said he didn't have a family, he was single. At that point, I said, I guess I don't have any objection to going forward.

That was a conversation I do recall that occurred in the time frame you talked about, but I don't recall any other conversations in that period of time. They may have occurred. I just don't have any memory of them.

Q Right after the November 27th meeting, did you have a conversation with Mr. Battle concerning Mr. Bogden?

1           A     What was the time frame again?

2           Q     Right after the meeting on November 27th, as you  
3     were leaving the meeting, do you recall any conversation?

4           A     I don't recall that.

5           Q     Apart from the e-mail that you sent where you  
6     raised some question about Mr. Bogden, do you recall any  
7     other conversations about Mr. Bogden to any of the people at  
8     the high-level Department of Justice dealing with this list?

9           A     My only memory is that conversation I had with Kyle  
10    following my e-mail.

11          Mr. Nathan. Let's have this marked as the next exhibit,  
12    please.

13                               [McNulty Exhibit No. 4

14                               Was marked for identification.]

15               BY MR. NATHAN:

16          Q     I hand you what has been marked as McNulty  
17    Exhibit 4. What you see is an e-mail from you dated December  
18    5, 9:44 in the morning, December 5, '06, from you to Mr.  
19    Sampson. Is this what you have been referring to when you  
20    talk about your e-mail about Mr. Bogden to Mr. Sampson?

21          A     Yes, it is.

22          Q     And you say that you are skittish about Bogden,  
23    meaning about keeping him on the list for termination?

24          A     Right.

25          Q     How long after this did you have your conversation

1 with Mr. Sampson about Mr. Bogden?

2 A I am not entirely sure. Shortly after that. Could  
3 have been the same day, next day.

4 Q Before December 7th.

5 A Oh, yes.

6 Q And he told you that Mr. Bogden didn't have a  
7 family, and that allayed your concerns?

8 A Well, can I make a comment about the whole Bogden  
9 thing?

10 Q Sure. Absolutely.

11 A You know, I was trying to be in this whole process  
12 somewhat deferential in this process to the personnel folks.  
13 And the way this list came to me was, do you have any  
14 specific objections for including these individuals. I  
15 understood right from the get-go that this was kind of a  
16 continuum of concerns from those that were subjective and not  
17 very specific to those that were very specific and things  
18 that I had been personally very involved in.

19 And so I in a sense accepted that as kind of the range  
20 of issues and the nature of the process itself being  
21 subjective to objective. And given those parameters and  
22 given the fact that there was a kind of deference to  
23 personnel side -- I sometimes analogize that when you are  
24 Deputy it is like being the field manager and you get the  
25 players and you have work to do and then you have got a

1 person in the front office and there is the general managers  
2 and they make trades and so forth. So in a sense I was kind  
3 of deferential to the personnel process.

4 I understood that I needed to have a specific objection  
5 as to why I thought somebody should come off the list. I  
6 also, at the same time as I was looking at all this, realized  
7 that we are all -- those of us who are political appointees,  
8 we are all political appointees, and all our days are limited  
9 in terms of how long we are going to serve and that these  
10 same U.S. Attorneys were in that boat. They were going to be  
11 leaving at some point in the next couple of years. I knew  
12 that in my class of U.S. Attorneys we had lots and lots of  
13 turnover and that that is not unusual.

14 In my mind at the same time was the notion that, well,  
15 Dan is going to have to leave the office at some point over  
16 the next couple of years, though I note here, because I went  
17 back and looked at Dan's bio, that he may have been the kind  
18 of guy who tried to go into the new administration, having  
19 been a career AUSA.

20 But even Dan in his goodbye e-mail to his office said  
21 one of the reasons why he hesitated going from an AUSA to a  
22 U.S. Attorney is that that meant the day would come he would  
23 have to leave.

24 So also going on in my mind was the fact that, well,  
25 this is, again, a period of time we are all going to

1 transition out. We are going to give these folks enough  
2 time.

3 And I was very busy at the same time working on this  
4 Thompson memo revision. It was very much on my mind. I was  
5 engaged in a lot of discussions and there was a lot of  
6 activity associated with that. So I would get back to this  
7 project or this would come up, and I remember this being on  
8 my mind, the Dan situation, as this process was getting  
9 closer to the end. So when Kyle told me that he was single,  
10 I think that just tipped the scale in my mind as saying, all  
11 right, I won't voice an objection and insist that he comes  
12 off the list.

13 Do I regret that to this day? That still weighs heavy  
14 on my heart, because I think I had an opportunity there, and  
15 I didn't follow through as best I could have. I just don't  
16 still feel great about that.

17 Q When you say you were deferential to the personnel  
18 department, that includes the White House, correct?

19 A Sure.

20 Q They are the ones who give you the personnel,  
21 aren't they?

22 Mr. Hunt. Can you let him finish his answer?

23 Mr. McNulty. There wasn't going to be a lot more to say  
24 there. When I think of personnel, I certainly think that the  
25 personnel, when we are talking about political appointees, is

1 a combination of the Department of Justice personnel efforts  
2 and White House personnel.

3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
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